

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Martins et al.

Attorney Docket No.: RFR0062

Serial No.: 10/532,513

Confirmation No.: 7073

Filed: April 25, 2005

Group Art Unit: 3744

Examiner: Tapolcai, William E.

Title: CONDENSER, IN PARTICULAR FOR A MOTOR VEHICLE AIR CONDITIONING
CIRCUIT, AND CIRCUIT COMPRISING SAME

REQUEST FOR RECONSIDERATION AS PERMITTED BY MPEP §706.07(d)

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Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Applicants hereby request reconsideration of the Final Office Action mailed on March 20, 2008. In particular, the dependent claims are not fully or adequately addressed by the Office Action such that the Applicants cannot determine how best to proceed. Due to the incomplete and unclear nature of the Office Action, Applicants respectfully request that the current Office Action be withdrawn. If a subsequent Office Action, which would presumably address all of the pending claims, is mailed, then this subsequent Office Action should be non-final and the time period for responding should be restarted.

In the current Office Action, claims 15, 17-23, 25-30, and 32-37 are generically rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent No. 6,340,053 to Wu et al. in view of United States Patent No. 4,274,482 to Sonoda. The Examiner has put forth a good faith effort to address the limitations of independent claim 15 and dependent claim 26. However, the Examiner has not adequately addressed dependent

claims 17-23, 25, 27-30, and 32-37 and there is confusion regarding the rejection of these claims. Several limitations from these dependent claims are not taught or suggested by the combination of Wu et al and Sonoda. This was already highlighted to the Examiner in Applicants' previous response filed January 22, 2008 (see the first full paragraph on page 9). For example, the combination of Wu et al. and Sonoda fail to teach or suggest the limitations of claims 21, 27, 31, and 37. The Examiner has chosen to ignore Applicants' pleas for clarity and has therefore created confusion with regards to the rejections of these dependent claims.

Regarding claims 21, 27, and 31, although the Examiner has had numerous opportunities to do so, these claims have never been specifically addressed by the Examiner since their introduction on April 11, 2007. In accordance with 37 CFR 1.104, an Office Action is to be complete as to all matters. The Examiner has failed to completely and accurately explain the rejections of all of the dependent claims such that the current rejections create substantial confusion and the Office Action should be withdrawn.

In addition to the above, the Applicants contend that any subsequent Office Action should be non-final. In accordance with MPEP §706.07, a clear issue should be developed between the Examiner and applicant before final rejection is in order. Applicants respectfully contend that due to errors by the Patent Office, the patentability issues for dependent claims, including claims 21, 27, 31, and 37, are unclear. Specifically, as stated in §706.07, the grounds of rejection must be clearly developed to such an extent that the applicant may readily judge the advisability of an appeal. As stated above, the rejections of dependent claims, including claims 21, 27, 31, and 37, are incomplete and unclear. Applicants have therefore not had an opportunity to amend or traverse the rejections of these claims thereby clearly defining the issues of patentability in which the Applicants and Examiner do not agree. As such, the current Office Action should be withdrawn and any subsequent Office Action rejecting the claims should be non-final.

It is respectfully submitted that the subject application is in condition for allowance.

Although no fees are believed due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Dated: May 20, 2008

/Christopher M. Francis/

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